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PATENT TRADEMARK OFFICE

Docket No: 5408/11295-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patrick J. Lutz

Serial No.: 10/087,207 Art Unit: 1616

Confirmation No.: 7037

Filed: February 28, 2002 Examiner: Pryor, Alton Nathaniel

For: PRESERVATIVE BLENDS CONTAINING QUATERNARY AMMONIUM COMPOUNDS

RESPONSE

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

September 9, 2002

Sir:

This submission is in response to the Official Action dated August 7, 2002. A response to this action is due Saturday, September 7, 2002 extended to the next business day, Monday, September 9, 2002, pursuant to 37 C.F.R. § 1.7(a).

Reconsideration of the above identified application is respectfully requested.

Election Requirement

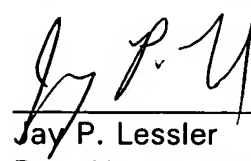
The Examiner has required election of a single composition for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In particular, election has been requested of a composition comprising a specific quaternary ammonium biocide, polymeric quaternary ammonium biocide, ketone acid, and aromatic carboxylic acid.

Applicant hereby elects a composition comprising benzethonium salt (as the quaternary ammonium biocide), dehydroacetic acid or a salt thereof (as the ketone acid), and salicylic acid or a salt thereof (as the carboxylic acid). Claims 1-6, 11-14, 18-22, 24-29, and 31-50 are a listing of all claims readable thereon.

In view of the above remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay P. Lessler", is written over a horizontal line.

Jay P. Lessler

Reg. No. 41,151

Attorney for Applicant

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